

# CITY COUNCIL PROCEEDINGS

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## MINUTES OF THE MEETING OF THE CITY COUNCIL

Wichita, Kansas, August 14, 2001  
Tuesday, 9:05 A.M.

The City Council met in regular session with Mayor Knight in the Chair. Council Members Brewer, Fearey, Gale, Lambke, Martz, Pisciotte, present.

Chris Cherches, City Manager; Gary Rebenstorf, Director of Law; Pat Burnett, City Clerk; present.

Daisy Kabagarama, Christian, gave the invocation.

The pledge of allegiance to the flag was participated in by the Council Members, staff, and guests.

Minutes -- approved

The Minutes of the regular meeting of August 7, 2001, were approved 7 to 0.

## PUBLIC AGENDA

### Pam Doffing - Riverside Wellwater Homeowners Association Appreciation.

Pam Doffing

Pam Doffing expressed appreciation for Council Member Gale's leadership in cleanup in the south part of Wichita; for water from the City of Wichita; and to the Mayor for reduced electric bills.

Ms. Doffing said 55<sup>th</sup> Street South does need some attention.

## NEW BUSINESS

STREETSCAPE

### DESIGN CONCEPT AND SUPPLEMENTAL AGREEMENT FOR WEST DOUGLAS STREETSCAPE, MCLEAN TO SENECA. (District IV)

Mike Lindebak

City Engineer reviewed the Item.

Agenda Report No. 01-0917.

On January 4, 2000, the City entered into an Agreement with McCluggage, VanSickle & Perry Architects (MVP) to develop a design concept and cost estimate for the West Douglas Streetscaping project from west of McLean Blvd. to Seneca. MVP held numerous meetings with the Delano Business Association, Delano Neighborhood Association, and the Delano Clergy Association in the development of parameters and design concept options. The final concept was approved by these groups, as well as by the Design Council and the District IV Advisory Board. This final design report has been submitted to the City.

The recommended design provides for reconstruction of the street with one (wider than normal) traffic lane in each direction, a round-about at Sycamore, diagonal parking, period street lighting, new sidewalk paving with landscaping, and district gateway features at each end of the project. The City Council is asked to approve the design concept; and to approve the Supplemental Agreement for the balance of the design and construction documents, including construction administration to be performed by MVP and their sub-consultants. Proceeding with completion of the bid documents at this time will allow construction of the project in 2002 and 2003 as programmed in the CIP.

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The 2001-2010 CIP has \$250,000 for the design of the project, which was authorized on November 9, 1999 by the City Council. The proposed Supplemental Agreement is for \$207,500.

Mayor Knight

Mayor Knight inquired if anyone wished to be heard.

Mary Lou Rivers

Mary Lou Rivers, Delano area business owner, expressed appreciation for City staff assistance. Ms. Rivers said she would like to see the Delano area become a destination and not just a drive-through area.

Jack Kellogg

Jack Kellogg, President of the Delano Business Association, stated that the streetscape program was thoroughly researched. Many towns and business associations were contacted to learn success and failures of the proposed street and parking arrangement. Consensus of the business owners was approval of the plan. Mr. Kellogg urged approved of the plan in its entirety.

Council Member Martz

Council Member Martz spoke in favor of the project with the exception of angle parking and one-lane two-way traffic.

Motion --

-- carried

Gale moved that the design concept and supplemental Agreement be approved; and the necessary signatures be authorized. Motion carried 6 to 1. Martz - No.

**TIF DEV. DISTRICT**

**RESOLUTION CONSIDERING ESTABLISHMENT OF A TAX INCREMENT FINANCING REDEVELOPMENT DISTRICT, CENTRAL AND HILLSIDE AREA.** (Districts I and II)

Allen Bell

Financial Projects Director reviewed the Item.

Agenda Report No. 01-0918.

Local developers, led by Steve Barrett of Weigand & Sons, are proposing a mixed-use commercial development project on property owned by the group at the corner of Central and Hillside in east Wichita. This development is planned concurrently with the Wesley Hospital expansion of hospital facilities that will require the displacement of the Wesley Motor Hotel from its current location at 3258 East Central. To facilitate the hospital expansion and assisting in the redevelopment of a deteriorating commercial area, Wesley Hospital along with local developers have requested the establishment of a redevelopment district and the use of tax increment financing.

Tax increment financing (TIF) allows the increased property tax revenue that results from the redevelopment of property in a deteriorating area to be reinvested in the redevelopment. When a TIF district is established and a redevelopment plan is adopted by City Council, the increased tax revenue is set aside by the County Treasurer and can be used by the City to repay bonds issued to finance certain improvements that are specified in the redevelopment plan.

The first step in establishing the tax increment district is the adoption of a Resolution which states that the City Council is considering the establishment of the TIF district and sets the date for a public hearing on the matter. The Resolution directs the City Clerk to publish the Resolution in the City's official newspaper and to mail copies to the owners and occupants of all property located within the district, by certified mail.

The Resolution also includes a map of the proposed district and a proposed comprehensive plan identifying potential redevelopment project areas and a general description of buildings and facilities to be constructed or improved.

The cost of mailing the Resolution to all owners and occupants of property located within the district will be charged to Economic Development Trust Fund and will be ultimately financed with TIF revenues.

The actual establishment of the tax increment financing district will not be effective until the City Council adopts an ordinance for that purpose, following the aforementioned public hearing. The

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County Commissioners and the School Board will have 30 days following the establishment of the district to determine whether it will have an adverse impact.

Mayor Knight

Mayor Knight inquired if anyone wished to be heard and no one appeared.

Motion --

-- carried

Brewer moved that the Resolution setting a public hearing for 10:30 a.m., September 18, 2001, be adopted. Motion carried 7 to 0.

## RESOLUTION NO. 01-330

A Resolution stating the City of Wichita is considering the establishment of a Redevelopment District for the Central and Hillside Redevelopment District under authority of K.S.A. 12-1770 Et Seq., presented. Brewer moved that Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gale, Lambke, Martz, Pisciotte, Knight.

## HOUSING BOARD

### RESTRUCTURING HOUSING AUTHORITY BOARD.

Chris Cherches

City Manager reviewed the Item.

Agenda Report No. 01-1919.

In 1998, Congress passed The Quality Housing and Work Responsibility Act which required the board of directors or similar governing body of a public housing agency to have at least one member who is directly assisted by the Public Housing Agency (PHA). The Final Rule for this requirement by HUD became effective on November 22, 1999. In response to this requirement the City established the Housing Advisory Board on January 9, 2001, which provides review and recommendation on all programs provided by the Housing Services Department. The City informed HUD of the board restructuring.. HUD recently determined that the Advisory Board was not a governing board under the new rules and subsequently rejected the board composition and authority as meeting the requirements of the Rule.

To be approved by HUD, it is recommended that the City Council continue to serve in the capacity of the Housing Authority with existing City Council members serving as the governing body, along with an additional member who is the resident appointee. When the City Council is serving as the Housing Authority, the additional member will be invited to participate in the decisions/actions of the Authority. It is also recommended that the Housing Advisory Board continue in its existing role as advisory to the City Council acting as the Housing Authority of Wichita.

The proposed Charter Ordinance creates the Wichita Housing Authority Board and establishes the members of the City Council as the members of the Board, along with a resident appointed by the mayor, with the approval of the City Council, who receives direct housing assistance from the City of Wichita. If this Charter Ordinance is enacted, the City Council will meet as the Housing Authority Board at a designated time in conjunction with a regular Council meeting. The resident member will join the Council for such meetings and participate in any and all business that comes before the Housing Authority Board. HUD has indicated that such an arrangement would be approved as being in compliance with the Final Rule pertaining to housing authority boards.

The members of the Housing Authority Board serve without compensation. Staff support for this board will be provided by the City utilizing existing personnel.

The amendment has been prepared and approved as to form by the Law Department. This is a Charter Ordinance and requires a 2/3rds majority vote for passage.

Mayor Knight

Mayor Knight inquired if anyone wished to be heard and no one appeared.

Motion --

-- carried

Knight moved that the restructuring of the Wichita Housing Authority be approved and the Charter Ordinance be placed on first reading. Motion carried 7 to 0.

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## CHARTER ORDINANCE

A Charter Ordinance exempting the City of Wichita, Kansas from the provisions of K.S.A. 17-2341, and providing substitute and additional provisions on the same subject pertaining to the establishment of the Housing Authority Board of the City of Wichita, Kansas, and establishing the membership thereof, introduced and under the rules laid over.

## BUDGET

### **PUBLIC HEARING ON 2002 ANNUAL OPERATING BUDGET AND REVISIONS TO THE 2001 BUDGET.**

Ray Trail

Director of Finance reviewed the Item.

Agenda Report No. 01-0920.

The City Council has received public comments on the proposed 2002/2003 budgets. On July 24, 2001, the City Council authorized the publication of the hearing notices, and set the maximum mill levy for the 2002 City budgets.

2002 Operating Budget. The proposed 2002 annual operating budget has been published at \$363,420,060. Interfund transactions and appropriated fund balances increase this amount to \$472,330,140. The inclusion of the expendable trust funds, as required by State Law, is an additional \$46,443,050 for a total of \$518,773,190. As published, the budget will necessitate a mill levy of 31.359, no change from the levy requirement for the 2001 adopted budget.

The General Fund property tax levy is \$46,952,520 (including a delinquency allowance) at an estimated 21.359 mills. The levy for the Debt Service Fund is \$21,982,550 (including a delinquency allowance) and is estimated at 10.000 mills. The proposed budget for the Self-Supported Municipal Improvement District (SSMID) for downtown requires a tax levy of \$484,690. The estimated mill levy rate is 7.8 mills.

Jointly Funded Budgets. The General Fund includes City of Wichita contributions to the jointly funded City-County budgets, as identified in the table below.

	<u>City Share</u>	<u>County Share</u>	<u>Revenue</u>	<u>Total</u>
Flood Control	720,470	720,470	0	1,440,940
Community Health	2,725,960	1,817,320	435,500	4,978,780
Metropolitan Area Planning	629,440	629,440	263,680	1,522,560

It is necessary for the City Council to approve joint agreements to continue these functions. The County Commission is expected to likewise approve the County share of these functions.

2001 Revised Budget. Some revisions in the 2001 budget are proposed. Increased expenditure authorizations are needed for eight funds. All revisions have been incorporated into the proposed 2002/2003 budget document as "2001 revised" amounts.

1. The Debt Service Fund (DSF) is increased \$24,248,430. Temporary note financing was increased to allow the retirement of debt on a pay-as-you-go basis, and to provide up-front financing for a cash defeasance that will take advantage of favorable markets and save the City money by reducing future debt service obligations. Appropriated reserves are included to provide flexibility for additional capital projects.

2. The Tourism and Convention Fund (T&C Fund) is increased \$375,370, reflecting the net impact of the Tourism Initiative and reprogramming unexpended project funds for Century II/Expo Hall. The Tourism Initiative includes additional funding for the Wichita Convention and Visitors Bureau, tourism research and marketing, and development of a community tourism website.

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3. The Special Alcohol Programs Fund increases \$552,070 for research and development incentives to encourage innovation and new ideas from providers in service delivery to treatment clients. These resources will be distributed in conjunction with the outcomes measurement process.
4. The Gilbert and Mosley Tax Increment Financing (TIF) Fund increase of \$5,359,480 is due to acceleration of the project's construction schedule, per City Council approval, and the addition of several new amenities (education center, interpretive stream, aquarium). Some increases are also related to legal fees required to collect contributions from potentially responsible parties (PRPs).
5. The North Industrial Corridor TIF Fund increases \$183,250 to provide a reserve in the fund for future debt service needs associated with remedial design/construction. Holding this amount for future needs will ensure that debt issuance is minimized in the latter half of the project term, thereby reducing pressure to increase revenue from the TIF (property taxes).
6. The East Bank (\$13,650), Old Town (\$67,190), and 21st and Grove (\$4,360) TIF Funds increases are due to a re-projection of TIF revenue production based on history and revised district growth models.
7. The Sewer Utility Fund increase of \$2,463,090 is due to increased operational and capital expenditures related to the acquisition of the County Sewer District facilities (including 4-Mile Creek).
8. The Water Utility Fund increase of \$1,184,060 relates to revised debt service numbers for new and accelerated projects, such as the Water Distribution facility relocation and the East Pressure Zone project. System growth on the outskirts of the City has accelerated the need for some critical supply and distribution projects.
9. The Information Technology Fund (IT) is being amended \$1,967,780 due to several technology projects, including a replacement Local Area Network (LAN), additional services provided in support of Mini City Halls, positions transferred from Finance and Library, and implementation of the Tourism Initiative web site.
10. The Equipment Motor Pool Fund (Fleet) is increased \$4,964,640. Due to the continuing fluctuation in fuel prices, a contingency of \$500,000 is included for increased fuel costs. Also, to provide consistency in fund presentations, \$1 million is included for the cost of materials purchased by Central Stores (for resale to other City operations). Finally, appropriated reserves are included to fund implementation of the Fleet Study once an implementation plan has been developed and approved.
11. The Stationery Stores Fund requires an additional \$182,230 due to increased utilization of the centralized stores function and increased costs for outside services. The increase is substantially offset by higher revenues.

Publication of the notice of formal hearing on August 3 set the maximum dollars that may be expended in each fund. The City Council may reduce expenditures required (and proposed tax dollars to be levied) but not increase expenditures previously established.

Publication requirements of State law for the final (formal) public hearing have been met. Appropriate disclosure is included within the ordinance of property tax increases not related to assessed value added by improvements, appreciating personal property and/or annexation. Following final Council action on the proposed budget, proper certification will be made of the property taxes to be levied in conformity with State law.

Mayor Knight

Mayor Knight inquired if anyone wished to be heard and no one appeared.

Motion --

Knight moved that the public hearing be closed; the 2002 budget (including revisions, amendments to the 2001 adopted budget) the joint agreements with Sedgwick County; the use of local funds for WSU, and tax increment financing for Gilbert and Mosley, North Industrial Corridor and SSMID be approved; the necessary signatures be authorized, and the Ordinances be placed on their passages and adopted.

Motion carried 7 to 0.

-- carried

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## ORDINANCE NO. 45-024

An Ordinance making and fixing general tax levy for the City of Wichita, Kansas for the year beginning January 1, 2002, and ending December 31, 2002, and relating thereto, and concurrently approving certain amendments to the 2001 adopted budget, read for the second time. Knight moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gale, Lambke, Martz, Pisciotte, Knight.

## ORDINANCE NO. 45-025

An Ordinance making and filing an increment in Ad Valorem Taxes for the Gilbert and Mosley Site Redevelopment District, City of Wichita, Kansas, for the fiscal year beginning January 1, 2002, and ending December 31, 2002, read for the second time. Knight moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gale, Lambke, Martz, Pisciotte, Knight.

## ORDINANCE NO. 45-026

An Ordinance making and filing an increment in Ad Valorem Taxes for the North Industrial Corridor Redevelopment District, City of Wichita, Kansas for the fiscal year beginning January 1, 2002, and ending December 31, 2002, read for the second time. Knight moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gale, Lambke, Martz, Pisciotte, Knight.

## ORDINANCE NO. 45-027

An Ordinance making and fixing general tax levy for the Downtown Wichita Self-Supported Municipal Improvement District for the year beginning January 1, 2001, and ending December 31, 2001, read for the second time. Knight moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gale, Lambke, Martz, Pisciotte, Knight.

## CITY COUNCIL AGENDA

### APPOINTMENTS

### APPOINTMENTS

Motion -- carried

Gale appointed Sue Davis, (Solid Waster Management). Motion carried 7-0.

## CONSENT AGENDA

Knight moved that the Consent Agenda, be approved in accordance with the recommended action shown thereon. Motion carried 7 to 0.

### BOARD OF BIDS

### REPORT OF THE BOARD OF BIDS AND CONTRACTS DATED AUGUST 13, 2001.

Bids were opened August 10, 2001, pursuant to advertisements published on:

Lateral 7, Main 2, Cowskin Interceptor Sewer to serve Auburn Hills 11th Addition - north of Kellogg, east of 151st Street West. (468-83296/743879 /480567) Does not affect existing traffic. (District V)

WB Carter Construction - \$24,631.00

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Water distribution system to serve Auburn Hills 11th Addition - north of Kellogg, east of 151st Street West. (448-89600/735021/470691) Does not affect existing traffic. (District V)

WBW Contractors - \$19,528.00

33rd Street North from the east line of Coolidge to the east line of Porter North to serve Pleasant Valley Addition, Riverdale Addition, and Unplatted Tracts - east of Amidon, north of 29th Street North. (472-83199/765625/490736) Traffic to be maintained during construction using flagpersons and barricades. (District VI)

Kansas Paving Company - \$117,873.50

Porter, from the north line of 33rd Street North to the south line of 34th Street North to serve Riverwalk, Amberg, Kutilek, Fellers, and other Additions - east of Amidon, north of 29th Street North. (472-83302/765661/490772) Traffic to be maintained during construction using flagpersons and barricades. (District VI)

Kansas Paving Company - \$36,097.00

30 inch water supply line in 21st Street North: 143rd East to 159th East - 21st Street North from 143rd East to 159th East. (448-89599/633730/750001) Traffic to be maintained during construction using flagpersons and barricades; 24 inch water supply line in 159th Street East from 21st Street North south 1/2 mile - 159th Street East from 21st Street North south 1/2 mile. (448-89599/633732/750003) Traffic to be maintained during construction using flagpersons and barricades; AND 16 inch water supply line in 21st Street North from 159th Street East to 1100 ft. east of 159th - 21st Street North east of 159th Street East. (448-89599/633731/750002) Traffic to be maintained during construction using flagpersons and barricades. (District County)

WB Carter Construction - \$749,310.00 (Total aggregate bid)

Knight moved that the contract(s) be awarded as outlined above, subject to check, same being the lowest and best bid within the Engineer's construction estimate, and the and the necessary signatures be authorized. Motion carried 7 to 0.

VARIOUS DEPARTMENTS: Cab and Chassis with Various Bodies. (130807)

Roberts Truck Center -	\$113,720.00 (Group 1/item 1 total 1)
	\$ 205.00 (Group 1/item 1/option 1/per each/per vehicle)
	\$ 595.00 (Group 1/item 1/option 2/per each/per vehicle)
	\$ 525.00 (Group 1/item 1/option 3/per each/per vehicle)
	\$ 140.00 (Group 1/item 1/option 4/per each/per vehicle)
	\$ 22,759.00 (Group 1/item 1/option 7/per each/per vehicle)
	<\$ 20,000.00> (Group 1/item 1/option 8/lump sum <deduct>)
	<\$ 22,000.00> (Group 1/item 1/option 9/lump sum <deduct>)
	\$114,776.00 (Group 1/total item 2)
	\$ 205.00 (Group 1/item 2/option 1/per each/per vehicle)
	\$ 305.00 (Group 1/item 2/option 3/per each/per vehicle)
	\$ 140.00 (Group 1/item 2/option 4/per each/per vehicle)
	\$ 14,477.00 (Group 1/item 2/option 6/per each/per vehicle)
	\$169,700.00 (Group 2/item 1 total)
	\$ 205.00 (Group 2/item 1/option 1/per each/per vehicle)
	\$ 140.00 (Group 2/item 1/option 2/per each/per vehicle)
	\$ 500.00 (Group 2/item 1/option 4/per each/per vehicle)
	\$ 19,980.00 (Group 2/item 1/option 6/per each/per vehicle)
	<\$ 42,500.00> (Group 2/item 1/option 7/lump sum <deduct>)
	\$160,938.00 (Group 3/item 1/per each total)
	<\$ 12,500.00> (Group 3/item 1/option 1 lump sum <deduct>)

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\$ 30,291.00 (Group 4/total item 1)  
\$ 4,736.00 (Group 4/item 1/option 3/per each/per vehicle)  
<\$ 7,000.00> (Group 4/item 1/option 5/lump sum <deduct>)  
\$ 40,182.00 (Group 5/total item 1)  
\$155,193.00 (Group 6/total item 1)  
\$ 1,200.00 (Group 6/item 1/option 1/per each/per vehicle)

Don Hattan Chevrolet, Inc. - \$111,400.00 (Group 7/item 1/total net bid)

PUBLIC WORKS DEPARTMENT/FLEET & BUILDINGS DIVISION: 50 HP AND 57HP Rubber Tired Tractors. (130807)

Wichita Tractor Co. - \$30,954.00 (Group 1/base bid total)  
\$ 6,498.00 (Group 1/option 3/per each/per tractor)  
\$ 5,091.00 (Group 1/option 4/per each/per tractor)  
\$ 529.00 (Group 1/option 5/per each/per tractor)  
<\$ 12,500.00>(Group 1/option 6/lump sum <deduct>)  
\$ 32,996.00 (Group 2/base bid total)  
\$ 6,159.00 (Group 2/option 3/per each/per tractor)  
\$ 4,840.00 (Group 2/option 4/per each/per tractor)  
\$ 529.00 (Group 2/option 53/per each/per tractor)  
<\$14,500.00> (Group 1/option 6 lump sum <deduct>)

PUBLIC WORKS DEPARTMENT/STORM WATER MANAGEMENT DIVISION: Drainage Improvements at Clara, Newell and 832 South Bleckley. (660049)

Wildcat Construction - \$73,598.00 (Group 1/total net bid)  
WB Carter Construction Co. - \$14,746.00 (Group 2/total net bid)

PUBLIC WORKS DEPARTMENT/MAINTENANCE DIVISION: Directional Boring. (702287)

Wichita Electric Co., Inc. - \$7,815.00 (Total net bid)

PUBLIC WORKS DEPARTMENT/MAINTENANCE DIVISION: Chain Link Fence Repair. (131300)

American Fence Company, Inc. - \$15,153.00 (Total net bid)

PUBLIC WORKS DEPARTMENT/MAINTENANCE DIVISION: Street Name Signs. (132217)

Unistrut Midwest - \$11,404.94 (Total net bid)

WATER & SEWER DEPARTMENT/CUSTOMER SERVICE DIVISION: External Plate Strainers for Badger Meters. (633628)

Item #1/per each (Reject all bids)  
ABB Water Meters Inc. - \$5,887.17 (Total net bid)

Knight moved that the contract(s) be awarded as outlined above, same being the lowest and best bid, and the necessary signatures be authorized. Motion carried 7 to 0.

CMB

## APPLICATIONS FOR LICENSES TO RETAIL CEREAL MALT BEVERAGES:

<u>Renewal</u>	<u>2001</u>	<u>(Consumption on Premises)</u>
Bui Van Hanh	Saigon Restaurant*	1103 South Broadway
		<u>(Consumption off Premises)</u>
John J. Leeker	Farmer's Market, Inc.	2901 North Broadway



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<u>New Operator</u>	<u>2001</u>	<u>(Consumption off Premises)</u>
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Mike Bidwell	Dillons #249	2212 North Maize Road
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\*General/Restaurant - 50% or more of gross receipts derived from sale of food.

Motion -- carried      Knight moved that the licenses be approved subject to Staff approval. Motion carried 7 to 0.

## **PLANS AND SPECS.      SUBDIVISION PLANS AND SPECIFICATIONS.**

There were no Subdivision Plans and Specifications submitted.

## **PRELIMINARY ESTS.      PRELIMINARY ESTIMATES:**

- a) Intersection improvements at Central and Rock Road. (87 N-0196-01; 472-83393/706819 /636081/ 201285) Traffic to be maintained during construction using flagpersons and barricades. (District II) - \$1,476,500.00
- b) Wichita Drainage Canal Improvements Phase 2 - 10th Street North to 17th Street North - I-135 Corridor from 10th Street to 17th Street. (468-82950/660785/861002) Traffic to be maintained during construction using flagpersons and barricades. (District I) - \$3,750,000.00
- c) 2001 Contract maintenance ultra thin asphalt overlay of Harry, Hillside to Oliver - north of Pawnee, east of Hillside. (472-83407/706809/405274) Traffic to be maintained during construction using flagpersons and barricades. (District III) - \$165,000.00
- d) Sanitary Sewer Reconstruction Block C - Planeview Subdivision 2 to serve Planeview Addition - Pawnee and Hillside. (468-83198/622232/641340) Traffic to be maintained during construction using flagpersons and barricades. (District III) - \$130,200.00
- e) Storm Water Drain No. 168 to serve Flat Creek Addition - east of 119th Street West, north of Pawnee - (468-83261/751299/485190) Does not affect existing traffic. (District V) - \$655,000.00
- f) Lateral 473 Southwest Interceptor Sewer to serve Westlink Christian Church Addition - south of 21st, west of Maize. (468-83302/743878/480566) Does not affect existing traffic. (District V) - \$23,000.00
- g) Greenwich Road from the south line of the plat to Kellogg including a traffic signalization system at the major entrance to One Kellogg Place Second Addition at Greenwich Road, five lane pavement improvements including continuous left turn to serve northbound traffic at Kellogg and to serve the major entrance to One Kellogg Place Second Addition, medial removal, and channelization as necessary to accommodate the traffic signal. One Kellogg Place Second Addition - south of Kellogg, east of Greenwich. (472-83370 /765682/490793) Does not affect existing traffic. (District II) - \$674,960.00
- h) Water distribution system to serve Westlink Christian Church Addition - south of 21st, west of Tyler. (448-89602/735020/470690) Traffic to be maintained during construction using flagpersons and barricades. (District V) - \$51,000.00
- i) 2001-2002 CDBG Street, curb, gutter and sidewalk improvements - north of Douglas, East of Seneca. (472-83399/602375/800101) Traffic to be maintained during construction using flagpersons and barricades. (District I & VI) - \$312,000.00

Motion -- carried      Knight moved that the Preliminary Estimates be received and filed. Motion carried 7 to 0.

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## EASEMENTS

### EASEMENTS:

- a) Easement dated April 24, 2001, from Stephen L. Clark II Irrevocable Trust III and Shannon L. Clark Irrevocable Trust III, for a tract of land located in Lot 1, Block 1, Security Storage Hillside Addition to Wichita, Sedgwick County, Kansas (Private Project 782 PPW). No cost to City.
- b) Utility Easement dated June 18, 2001 from Westlink Christian Church, a Kansas Corporation, for a tract of land located in Lot 1, Westlink Christian Church Addition, Wichita, Sedgwick County, Kansas (Project 448-89602, OCA #735020). No cost to City.
- c) Sanitary Sewer Easement from the City of Wichita, Kansas, a Municipal Corporation, for a tract of land located in the SE 1/4 of Sec. 2, Twp. 28 South, Range 1 East of the 6th P.M., Sedgwick County, Kansas (Sanitary Sewer NW of 31st S. & Oliver, OCA#622230). No cost to City.
- d) Permanent Groundwater Pipe Easement for Lot 1, Block 3, Santa Fe Addition and vacated Dewey Street, Wichita, Sedgwick County, Kansas, for the Gilbert-Mosley Groundwater Remediation system.
- e) Permanent Groundwater Extraction Well Easement for the east 60 feet of Lot 12, Tusch's addition to Wichita, Sedgwick County, Kansas, for the Gilbert-Mosley Groundwater Remediation System.

Motion --  
-- carried

Knight moved that the documents be received and filed; and the necessary signatures be authorized. Motion carried 7 to 0.

## WATER SYSTEM

### PETITION FOR WATER DISTRIBUTION SYSTEM TO SERVE HANLEY COMMERCIAL ADDITION AND HANLEY SECOND ADDITION – SOUTH OF 21ST STREET, EAST OF WEBB. (District II)

Agenda Report No. 01-0921.

The Petition has been signed by two owners, representing 100% of the improvement district.

This project will provide water service to a commercial development at the southeast corner of 21st and Webb.

The Petition totals \$53,000. The funding source is special assessments.

State Statutes provide that a Petition is valid if signed by a majority of resident property owners or the majority of the property in the improvement district.

Motion --

Knight moved that the Petition be approved and the Resolution be adopted. Motion carried 7 to 0.

### RESOLUTION NO. 01-331

Resolution of findings of advisability and Resolution authorizing construction of Water Distribution System Number 448-89609 (south of 21<sup>st</sup>, east of Webb), in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Knight moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gale, Lambke, Martz, Pisciotte, Knight.

## PAVE ALLEY

### PETITION TO PAVE NORTH-SOUTH ALLEY WEST OF SANTA FE, NORTH OF ELM. (District VI)

Agenda Report No. 01-0922.

The signatures on the Petition represent two owners of 100% of the improvement district area.

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The alley provides access to a health facility.

The estimated project cost is \$39,400 with the total assessed to the improvement district.

State Statutes provide that a Petition is valid if signed by a majority of resident property owners or by the owners of the majority of the property in the improvement district.

Motion --

Knight moved that the Petition be approved and the Resolution be adopted. Motion carried 7 to 0.

## RESOLUTION NO. 01-332

Resolution of findings of advisability and Resolution authorizing improving of the N-S Alley west of Santa Fe from Elm to 250' South of Elm, 472-83421, in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Knight moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gale, Lambke, Martz, Pisciotte, Knight.

## **STREET CLOSURES      CONSIDERATION OF STREET CLOSURES/USES.**

There were no street closures considered.

## **CLAIMS ALLOWED      REPORT ON CLAIMS ALLOWED JULY, 2001:**

<u>Name of Claimant</u>	<u>Amount</u>
Donald W. Mercer	\$512.29**
Dan Olmsted	\$74.11
Sheila K. Oliver	\$201.22
KGS	\$311.97**
KGS	\$533.11
John Weber	\$599.40
Joseph Phillips	\$127.62
Bill Sander	\$141.98
William C. Fultner	\$1,087.59

\*\* Settled for lesser amount than claimed.

Motion -- carried

Knight moved that the report be received and filed. Motion carried 7 to 0.

## **RELOCATE UTILITY      RELOCATION OF UTILITIES ALONG WOODLAWN, SOUTH OF 37TH STREET NORTH.** (District I)

Agenda Report No. 01-0923.

On July 24, 2001, the City Council approved a Petition to improve a decel and left turn lane in Woodlawn from 37th Street North to Brookview, to serve Whispering Brook Commercial Second Addition. Resolution R-00-298 authorized these improvements. Utilities will need to be relocated as a part of this project.

Estimated costs to relocate KGE lines are \$111,789.00.

Funds are available in the project to provide for utility relocation costs. The funding source is special assessments.

Motion --

Knight moved that the Agreement/Contract be approved and the necessary signatures be authorized.

-- carried

Motion carried 7 to 0.

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## **CORRIDOR PROG.     2002 ARTERIAL CORRIDOR PROGRAM. (District I)**

Agenda Report No. 01-0924.

The 2002 Arterial Capital Improvement Program includes funds to improve Hillside from 17th to 20th (MS-230004). The Kansas Department of Transportation (KDOT) has agreed to participate in the project funding. The City will take bids for the project. A City/State Agreement has been prepared.

Improvements are needed to improve traffic carrying capacity and to increase safety. Construction is expected to begin next summer.

The estimated project cost is \$2,050,000. KDOT will pay 80 percent of the cost of construction and construction engineering. The funding source for the City share is General Obligation Bonds.

Motion --                      Knight moved that the Agreement/Contract be approved and the necessary signatures be authorized.  
-- carried                      Motion carried 7 to 0.

## **CORRIDOR PROG.     2002 ARTERIAL PROGRAM – INTERSECTION RECONSTRUCTION. (Districts I, II, and IV)**

Agenda Report No. 01-0925.

The 2002 Arterial Capital Improvement Program includes funds to reconstruct the intersections of Lincoln & McLean and Harry & McLean (MS-230001). The Kansas Department of Transportation (KDOT) has agreed to participate in funding the projects. The City will take bids for the projects. City/State Agreements have been prepared.

Constructing left and right-turn lane improvements and other intersection modifications will improve traffic carrying capacity and reduce accidents. Construction is expected to begin next spring.

The estimated project cost is \$1,900,000. KDOT will pay 80 percent of the cost of construction and construction engineering. The funding source for the City share is General Obligation Bonds.

Motion --                      Knight moved that the Agreement/Contract be approved and the necessary signatures be authorized.  
-- carried                      Motion carried 7 to 0.

## **CHENEY DAM             CHENEY DAM SECURITY – BUREAU OF RECLAMATION AGREEMENT.**

Agenda Report No. 01-0926.

Cheney Reservoir is a major water supply source for Wichita, providing approximately 60% of Wichita's annual water supply. The BOR constructed Cheney Dam in 1965, with the City participating in funding the construction.

The BOR has 378 dams throughout the county. Many of the dams, including Cheney Dam, allow the public to come in close proximity to the dam and its structures. This increases the potential that these facilities could become a target for illegal acts and vandalism. The BOR has conducted a security assessment of Cheney Dam, and has identified improvements for security of the facility and also that would improve public safety. Recommendations include installing additional fencing, intrusion alarms, motion sensors, communications equipment, and gates.

The total cost for improvements is \$57,190. The BOR has offered to fund the entire amount for installation of security improvements.

City Council authorization is required for Agreements in excess of \$10,000.

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Motion --  
-- carried

Knight moved that the Agreement/Contract be approved and the necessary signatures be authorized.  
Motion carried 7 to 0.

## **EASEMENT ENCR.**

### **EASEMENT ENCROACHMENT AGREEMENT – 453 SOUTH GREENWICH ROAD.** (District V)

Agenda Report No. 01-0927.

The Agreement allows Universal Motor Fuels, Inc., and Income Producing Management, Inc., to occupy and construct for Lot 1 and Lot 2, Universal 4th Addition, also addressed as 453 S. Greenwich Road, improvements on, over, and across, portions of a utility easement, hereinafter referred to as Tract "A" and waives all rights of action in law arising out of the encroachment into the easement. The improvements include a dumpster enclosure, parking lot light poles and bases, and private storm water sewer, which encroaches into the existing utility easement.

The Agreement allows the City to be held harmless from any and all claims resulting from leaking, cave-in or failure of said sewer line lying within Tract "A" and from claims resulting from replacement or upgrade of lines, manholes, and/or other Department property within the easement.

There are no financial considerations.

The Law Department has reviewed the Agreement and approved it as to form.

Motion --  
-- carried

Knight moved that the Agreement/Contract be approved and the necessary signatures be authorized.  
Motion carried 7 to 0.

## **H.O.P.E., INC**

### **H.O.P.E., INC./CHDO PROJECT CONTRACT.** (District I)

Agenda Report No. 01-0928.

H.O.P.E., Inc. (HOPE), one of the City's Non-Profit Community Housing Development Organizations (CHDO) was allocated \$50,000 of Home Investment Partnerships Program (HOME) funds by the City Council March 7, 2000, as part of the 2000-2001 Consolidated Plan funding process. The funding was approved as one of the financing components for the renovation of the HOPE Village Apartments, located at 13th Street and Fairmount.

The funding agreement will cover construction/renovation costs, and will provide for five (5) HOME assisted units within the HOPE Village apartment complex. The HOME-assisted units will be subject to a HOME affordability period of 5 years.

This allocation was made from the City's 2000-2001 HOME grant as part of the required 15% set-aside for CHDO development funding.

Motion --  
-- carried

Knight moved that the Agreement/Contract be approved and the necessary signatures be authorized.  
Motion carried 7 to 0.

## **MENNONITE SER.**

### **MENNONITE HOUSING REHABILITATION SERVICES/CHDO PROJECT CONTRACT - HILLTOP REDEVELOPMENT.** (District III)

Agenda Report No. 01-0929.

Mennonite Housing Rehabilitation Services (MHRS), one of the City's Non-Profit Community Housing Development Organizations (CHDO) was allocated \$185,000 of Home Investment Partnerships Program (HOME) funds by the City Council March 20, 2001, as part of the 2001-2002 Consolidated Plan funding process. The funding was approved for acquisition, and construction or re-construction of housing in the Hilltop Local Investment Area.

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Under the agreement, MHRS will develop a maximum of 11 new units of single-family and/or 2 family dwellings, depending on acquisition and rehabilitation costs. Homes developed under the agreement will be sold to HOME-eligible buyers. The HOME funding provided under the agreement will be utilized to subsidize acquisition, rehabilitation and construction costs, as well as MHRS' developer fee.

This allocation was made from the City's 2001-2002 HOME grant as part of the required 15% set-aside for CHDO development funding.

Motion --

-- carried

Knight moved that the Agreement/Contract be approved and the necessary signatures be authorized. Motion carried 7 to 0.

## DESIGN SERVICES

### **SUPPLEMENTAL AGREEMENT FOR RAILROAD SPUR IN NORTHEAST INDUSTRIAL PARK – BETWEEN ROCK ROAD AND WEBB ROAD, SOUTH OF 45TH STREET NORTH.** (District II)

Agenda Report No. 01-0930.

On April 3, 2001, the City Council authorized the design of the Comotara Railroad Spur rehabilitation.

Staff has negotiated a Supplemental Agreement with TranSystems to provide design services for the rehabilitation.

The contract with TranSystem is on a lump sum basis in the amount of \$27,458. The Comotara Industrial Owners Association agreed to share the cost of the design on an equal share basis. A check from the Association in the amount of \$13,729 has been received. The City's share of the design cost will be paid from the Economic Development Trust Fund.

Motion --

-- carried

Knight moved that the Agreement/Contract be approved and the necessary signatures be authorized. Motion carried 7 to 0.

## ART MUSEUM

### **CHANGE ORDER – ART MUSEUM EXPANSION PROJECT.** (District VI)

Agenda Report No. 01-0931.

On October 17, 2000, the City Council approved an agreement between the City of Wichita and the Wichita Art Museum, Inc. to provide for the financing and management of the expansion project for the Wichita Art Museum.

On March 20, 2001, the City Council approved the bid of Dondlinger & Sons to construct the expansion project for the museum, which will add 35,000 square feet, increase gallery space by 43% and allow the visiting public better access.

The expansion project currently under construction does not include landscaping. The Art Museum Board contracted with the Olin Partnership firm out of Philadelphia, PA. to do a Landscape Master Plan for the exterior space around the museum and present phases for the implementation.

The Olin Partnership has recommended reconfiguring four parking islands shown on the original bid documents and adding six additional islands for future tree plantings. They have also recommended changing the parking lot curb profile and adding sprinkler-piping sleeves for future irrigation. These changes can be made now with minimum expense whereas the parking lot construction is not complete.

The Landscaping Master Plan has been presented to and approved by the Design Council and the Art Museum Board.

The Change Order for \$22,495.00 will be funded from the project budget (Project No. 435300, OCA No. 792329). The project remaining balance is \$1,179,034.00.

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The Change Order amount is within 25% of the construction Contract cost limit set by City Council policy. Change Orders over \$10,000 require City Council approval.

Motion --  
-- carried

Knight moved that the change order be approved and the necessary signatures be authorized. Motion carried 7 to 0.

## AMERICORPS

### AMERICORPS/ARTSCORPS PROGRAM GRANT AWARD.

Agenda Report No. 01-0932.

On August 2, 2001 the Corporation for National Service, via the Kansas Office of Community Service announced the award of an AmeriCorps Grant to the City of Wichita for its community education initiative, ArtsCorps Wichita. The ArtsCorps program establishes and strengthens partnerships with the State of Kansas Office of Community Service, the Wichita school district, local arts partners and grassroots citizens, to provide an innovative approach to empowering youth and their families in or at risk of poverty, through a neighborhood-based arts and education initiative.

On April 10, 2001, the City Council approved the submission of the ArtsCorps Wichita grant application to the Kansas Office for Community Service.

The ArtsCorps grant leverages City of Wichita and community resources to support and strengthen neighborhoods of poverty, by intervening in the cycle of low literacy and neighborhood deterioration. It combines resources from the City of Wichita General Fund, The City of Wichita Housing Department drug elimination funds, Wichita State University, the Wichita Public Schools and the Center for Human and Organizational Development to intervene in communities of need, while developing workforce and leadership skills in the service corps and encouraging civic involvement.

The Kansas Office of Community Services' AmeriCorps program awarded the City a grant for \$117,000. The grant is leveraged by \$16,341 from City of Wichita General Fund; \$66,490 in existing staff salaries; \$1,943 administrative costs; \$10,500 of Housing Department drug elimination dollars; \$9,246 from in-kind services from WSU; \$2,000 from in-kind services from The Center for Human and Organizational Development; and \$1,000 from in-kind contributions from Triad Consulting, for a total of \$107,520 in matching funds and services. The grant is for one year, with the renewal options for two additional years.

Motion --  
-- carried

Knight moved that acceptance of the Kansas Office of Community Service AmeriCorps grant award be approved and the necessary signatures be authorized. Motion carried 7 to 0.

## PROPERTY ACQ.

### ACQUISITION OF 7088 EAST KELLOGG FOR THE EAST KELLOGG IMPROVEMENT PROJECT. (District II)

Agenda Report No. 01-0933.

The East Kellogg/Woodlawn Improvement Project was released for active acquisition in December 2000. One of the properties required for the project is located at 7088 East Kellogg is owned by Red Beans LLC. The site contains 39,000 square feet and is improved with a 4,572 square foot full service restaurant. The planned expansion of Kellogg will require the removal of the improvements and utilization of the most of the site.

The property is currently utilized as a full-service restaurant by the owner. The owner has located a replacement location and will construct a new facility. He will remain in the current location until completion of the new restaurant and will lease the current site at a nominal rate until vacation. The property was appraised at \$690,000. An amount of \$837,900 was negotiated based on additional market information and information from appraisers.

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Funds have been budgeted in the Capital Improvement Program for acquisitions for this project. The funding source will be General Obligation Bonds paid by local sales tax revenues. A budget of \$1,017,000 is requested. This includes \$837,900 for the acquisition, \$162,100 for relocation, \$15,000 for demolition and \$2,000 for closing costs and title insurance.

Motion --  
-- carried

Knight moved that the budget and the Contracts be approved; and the necessary signatures be authorized. Motion carried 7 to 0.

## PROPERTY ACQ.

### ACQUISITION OF OLD TOWN CINEMA PARCELS. (District VI)

Agenda Report No. 01-0934.

On December 19, 2000, the City Council approved a development agreement with Cinema Old Town, L.L.C. for the development of a six-screen cineplex and related developments to be constructed in the Old Town area. The City Council approved a total City funding package of \$9.3 million for land acquisition and construction of a public parking structure, a public plaza area and streetscape improvements. The Development Agreement provides for the acquisition of certain parcels of property by the City and by the Developer upon the satisfaction of certain conditions precedent. On February 6, 2001, the City Council amended the Development Agreement to increase the maximum amount that the City is obligated to spend on real property acquisition to \$1.7 million, without increasing the City's aggregate financial obligations in the project. The Developer has requested the City proceed with property acquisition in advance of the conditions precedent being satisfied, in order to meet deadlines set by the sellers of certain parcels.

The Development Agreement identifies the parcels each party is responsible for acquiring. The City is responsible for acquiring that portion of the project site upon which the public improvements will be built, including the sites for the public parking structure and the public plaza area. The Developer is responsible for acquiring the portion of the project site upon which the privately owned structures will be built, including the cinema parcel and the parcel for a retail development. The conditions precedent limit the City's obligation to proceed with the project, including conveyance of the various parcels. For example, the City must approve the maximum cost of constructing the public improvements and be satisfied that the private financing is available before proceeding with the project.

The Developer is asking the City acquire the public parcels, but not convey them until all conditions precedent have been met. The Developer has negotiated purchase contracts with certain property owners which each have an August 15, 2001, deadline for closing the sale. To avoid the uncertainty and cost of negotiating an extension of the contracts, the Developer is asking the City to purchase the public parcels, which will also permit the Developer to purchase the private parcels at the same time. All project parcels are to be purchased by the respective parties at the same time. The Developer has agreed to give the City a written option to purchase the private parcels at the Developer's cost in the event the Development Agreement is terminated and the project does not proceed.

Funding for the acquisition of the public parcels in the Old Town Cinema Project is included in the adopted Capital Improvement Program. A bonding resolution for the project has already been adopted by the City Council.

The City's acquisition of the public parcels does not require amendment of the Development Agreement because the parcels will not be conveyed to the Developer until the conditions precedent are fully satisfied.

Motion --  
-- carried

Knight moved that the budget and the Contracts be approved; and the necessary signatures be authorized. Motion carried 7 to 0.



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## ORDINANCES

### SECOND READING ORDINANCES: (FIRST READ AUGUST 7, 2001)

- a) Tax Request – Case Corporation. (District V)

#### ORDINANCE NO. 45- 028

An Ordinance exempting property from Ad Valorem Taxation for economic development purposes pursuant to Article 11, Section 13, of the Kansas Constitution; providing the terms and conditions for Ad Valorem Tax Exemption; and describing the property of Case Corporation, so exempted, read for the second time. Knight moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gale, Lambke, Martz, Pisciotte, Knight.

- b) 21st Street Improvement – Hillside to Oliver (District I)

#### ORDINANCE NO. 45- 029

An Ordinance declaring 21st Street North, between Hillside and Oliver, 472-83368, to be a main trafficway within the City of Wichita, Kansas; declaring the necessity of authorizing certain improvements to said main trafficway within the City of Wichita, Kansas, declaring the necessity of and authorizing certain improvements to said main trafficway; and setting forth the nature of said improvements, the estimated costs thereof, and the manner of payment of same, read for the second time. Knight moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gale, Lambke, Martz, Pisciotte, Knight.

- c) Improvements to intersection of Central and Hillside. (Districts I and II)

#### ORDINANCE NO. 45- 030

An Ordinance declaring the intersection of Central Avenue and Hillside, 472-83408, to be a main trafficway within the City of Wichita, Kansas; declaring the necessity of authorizing certain improvements to said main trafficway within the City of Wichita, Kansas, declaring the necessity of and authorizing certain improvements to said main trafficway; and setting forth the nature of said improvements, the estimated costs thereof, and the manner of payment of same, read for the second time. Knight moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gale, Lambke, Martz, Pisciotte, Knight.

- d) Seneca Street Improvement – Maple to McLean Boulevard. (District IV)

#### ORDINANCE NO. 45- 031

An Ordinance declaring Seneca Street, from Kellogg to McLean Boulevard (Project No. 472-82966) to be a main trafficway within the City of Wichita, Kansas; declaring the necessity of authorizing certain improvements to said main trafficway within the City of Wichita, Kansas, declaring the necessity of and authorizing certain improvements to said main trafficway; and setting forth the nature of said improvements, the estimated costs thereof, and the manner of payment of same, read for the second time. Knight moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gale, Lambke, Martz, Pisciotte, Knight.

- e) Amending Ordinances: Central - I-235 to West Street; Arkansas River Bikepath; 1996 Intersection Program; Oliver – 25th to 37th. (Districts I, III, IV, V, and VI)

#### ORDINANCE NO. 45- 032

1. An Ordinance amending Ordinance no. 42-792 of the City of Wichita, Kansas declaring Oliver Street, from 25th Street North to 35th Street North (472-82588) to be main trafficways within the City of Wichita, Kansas; declaring the necessity of authorizing certain improvements to said main trafficway within the City of Wichita, Kansas, declaring the necessity of and authorizing certain improvements to said main trafficway; and setting forth the nature of said improvements, the estimated

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costs thereof, and the manner of payment of same, read for the second time. Knight moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gale, Lambke, Martz, Pisciotte, Knight.

## ORDINANCE NO. 45- 033

2. An Ordinance amending Ordinance No. 43-204 of the City of Wichita, Kansas, declaring Harry & Edgemoor, Harry & West, Lincoln & Woodlawn, 47th Street & Emporia, Second/Third Streets & Broadway, 13th Street & Waco, 13th Street & Broadway, Lincoln & Edgemoor, Pawnee & Oliver and Seneca & Maple (1966 Intersection Reconstruction Program) 472-82668 to be main trafficway within the City of Wichita, Kansas; declaring the necessity of authorizing certain improvements to said main trafficway within the City of Wichita, Kansas, declaring the necessity of and authorizing certain improvements to said main trafficway; and setting forth the nature of said improvements, the estimated costs thereof, and the manner of payment of same, read for the second time. Knight moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gale, Lambke, Martz, Pisciotte, Knight.

## ORDINANCE NO. 45- 034

3. An Ordinance amending Ordinance No. 44-478 of the City of Wichita, Kansas, declaring Central Avenue from the I-235 Freeway to West Street (472-83014) to be a main trafficway within the City of Wichita, Kansas; declaring the necessity of authorizing certain improvements to said main trafficway within the City of Wichita, Kansas, declaring the necessity of and authorizing certain improvements to said main trafficway; and setting forth the nature of said improvements, the estimated costs thereof, and the manner of payment of same, read for the second time. Knight moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gale, Lambke, Martz, Pisciotte, Knight.

f) A01-11 – East and west of Hoover. (District V)

## ORDINANCE NO. 45- 035

An Ordinance including and incorporating certain blocks, parcels, pieces, and tracts of land within the limits and boundaries of the City of Wichita, Kansas, and relating thereto, read for the second time. Knight moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gale, Lambke, Martz, Pisciotte, Knight. A01-11

## PLANNING AGENDA

Dale Miller Planning Department stated that Items 21, 22, and 23, could be considered as consensus Items unless the Council desired to withhold other Items.

Motion -- carried Knight moved that Planning Agenda Items 21, 22, and 23, be approved as consensus Items. Motion carried 7 to 0.

## **S/D 2000-10**

## **S/D 2000-10 – PLAT OF AUBURN HILLS 13TH ADDITION LOCATED ON THE WEST SIDE OF 135TH STREET WEST, SOUTH OF MAPLE.** (District V)

Agenda Report No. 01-0935.

Staff Recommendation: Approve the plat.

MAPC Recommendation: Approve the plat. (10-0-1)

This plat is zoned SF-5, Single-Family Residential.

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Petitions, all 100%, have been submitted for sanitary sewer, water, paving and clubhouse improvements. A Certificate of Petitions has also been submitted. Two drainage and utility easements were provided.

In order to provide for the ownership and maintenance of the reserves, the applicant has submitted a restrictive covenant. To provide for off-street parking for lots adjacent to narrow streets, a covenant has also been submitted requiring that four (4) off-street spaces be provided for each such lot.

This plat has been reviewed and approved by the Planning Commission, subject to conditions and recording within thirty (30) days.

The Certificate of Petitions, restrictive covenants, and drainage and utility easements, will be recorded with the Register of Deeds.

Motion --  
-- carried

Knight moved that the documents and Plat be approved; the Resolutions be adopted; and the necessary signatures be authorized. Motion carried 7 to 0.

## RESOLUTION NO. 01-333

Resolution of findings of advisability and Resolution authorizing construction of Water Distribution System Number 448-89610, (west of 135<sup>th</sup> Street West, south of Maple) in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Knight moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gale, Lambke, Martz, Pisciotte, Knight.

## RESOLUTION NO. 01-334

Resolution of findings of advisability and Resolution authorizing construction of Lateral 8, Main 2, Cowskin Interceptor Sewer (west of 135<sup>th</sup> Street West, south of Maple) 468-83312, in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Knight moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gale, Lambke, Martz, Pisciotte, Knight.

## RESOLUTION NO. 01-343

Resolution of findings of advisability and Resolution authorizing improving of Onewood, from west line of the Plat, east to the west line of 135th Street West, and on Dogleg from south line of Onewood, south to the south line of the Plat; Onewood Court (Lots 1 through 13, Block D) from south line of Onewood, south to and including cul-de-sac and on Onewood court (Lots 7 through 10, Block B) from the south' line of Onewood, south to and including the cul-de-sac; sidewalk constructed along one side of Onewood from the west line of the plat, east to the west line of 135th Street West (west of 135th Street West, south of Maple), 472-83417, in the city of Wichita, Kansas, pursuant to findings of advisability made by the governing body of the City of Wichita, Kansas, presented. Knight moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gale, Lambke, Martz, Pisciotte, Knight.

SUB2000-54

### **SUB2000-54 – PLAT OF BURLESON ADDITION LOCATED ON THE NORTHEAST CORNER OF 21ST STREET NORTH AND HOOVER ROAD.** (District V)

Agenda Report No. 01-0936.

Staff Recommendation: Approve the plat.  
MAPC Recommendation: Approve the plat. (12-0)

A zone change (ZON 2000-12) from SF-20, Single-Family Residential and LC, Limited Commercial to LI, Limited Industrial has been approved for this site subject to platting. Subsequent to the zone change, the site has been annexed by the City. The plat is also subject to a Protective Overlay established by ZON 2000-12, addressing permitted uses, screening and building setbacks.

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Petitions, all 100%, have been submitted for sanitary sewer and water improvements. A Certificate of Petitions has also been submitted. To provide for shared access between Lots 1 and 2, a joint access easement was provided. A Protective Overlay Certificate was provided identifying the approved Protective Overlay.

This plat has been reviewed and approved by the Planning Commission, subject to conditions and recording within thirty (30) days. Publication of the ordinance should be withheld until such time as the Plat is recorded with the Register of Deeds.

The Certificate of Petitions, joint access easement, and Protective Overlay Certificate will be recorded with the Register of Deeds.

Motion --

Knight moved that the documents and Plat be approved; the necessary signatures be authorized; the Ordinance ZON 2000-12 be placed on first reading with publication being withheld until such time as the Plat has been recorded with the Register of Deeds; and the Resolutions be adopted. Motion carried 7 to 0.

-- carried

## RESOLUTION NO. 01-335

Resolution of findings of advisability and Resolution authorizing improving of Water Distribution System Number 448-89590, (north of 21<sup>st</sup> Street, east of Hoover), pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Knight moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gale, Lambke, Martz, Pisciotte, Knight.

## RESOLUTION NO. 01-336

Resolution of findings of advisability and Resolution authorizing construction of Lateral 2, Main 20, Southwest Interceptor Sewer (north of 21<sup>st</sup> Street, east of Hoover) 468-83278, in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Knight moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gale, Lambke, Martz, Pisciotte, Knight.

## RESOLUTION NO. 01-337

Resolution of findings of advisability and Resolution authorizing construction of Main 20, Part 2, Southwest Interceptor Sewer (north of 21<sup>st</sup> Street, east of Hoover) 468-83313, in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Knight moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gale, Lambke, Martz, Pisciotte, Knight.

## ORDINANCE

An Ordinance changing the zoning classifications or districts of certain lands located in the City of Wichita, Kansas, under the authority granted by Section 28.04.210, the Code of the City of Wichita, Kansas, introduced and under the rules laid over. (ZON 2000-12)

SUB2000-109

**SUB2000-109 – PLAT OF EAGLES LANDING AT NORTH OLIVER ADDITION LOCATED ON THE SOUTHWEST CORNER OF 45TH STREET NORTH AND OLIVER.** (District I)

Agenda Report No. 01-0937.

Staff Recommendation: Approve the plat.

MAPC Recommendation: Approve the plat. (12-0)

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This site was annexed into the City in April 2001. A zone change (ZON 2001-29) from SF-5, Single-Family Residential to LC, Limited Commercial and from LC, Limited Commercial to SF-5, Single-Family Residential has been approved for a portion of this site subject to platting.

Petitions, all 100%, have been submitted for sanitary sewer, water, drainage and paving improvements. A Certificate of Petitions was also provided. To provide for shared access between Lots 1 and 2, Block E, and between Lots 3 and 4, Block E, a joint access easement was provided. In order to provide for the ownership and maintenance of the reserves, the applicant has submitted a restrictive covenant. To provide for off-street parking for lots adjacent to narrow streets, a covenant has also been submitted requiring that four (4) off-street spaces be provided for each such lot.

This plat has been reviewed and approved by the Planning Commission, subject to conditions and recording within thirty (30) days. Publication of the ordinance should be withheld until such time as the Plat is recorded with the Register of Deeds.

The Certificate of Petitions, joint access easement, and restrictive covenant will be recorded with the Register of Deeds.

Motion --

Knight moved that the documents and Plat be approved; the necessary signatures be authorized; the Ordinance ZON 2001-29 be placed on first reading with publication being withheld until such time as the Plat has been recorded with the Register of Deeds; and the Resolutions be adopted. Motion carried 7 to 0.

-- carried

## RESOLUTION NO. 01-338

Resolution of findings of advisability and Resolution authorizing construction of Water Distribution System Number 448-89603, (south of 45<sup>th</sup> Street North, west of Oliver), in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Knight moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gale, Lambke, Martz, Pisciotte, Knight.

## RESOLUTION NO. 01-339

Resolution of findings of advisability and Resolution authorizing construction of Lateral 1, Main 12, Sanitary Sewer #23 (south of 45<sup>th</sup> Street North, west of Oliver), 468-83284, in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Knight moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gale, Lambke, Martz, Pisciotte, Knight.

## RESOLUTION NO. 01-340

Resolution of findings of advisability and Resolution authorizing construction of Storm Water Drain No. 171, (south of 45<sup>th</sup> Street North, west of Oliver) 468-83288, in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Knight moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gale, Lambke, Martz, Pisciotte, Knight.

## RESOLUTION NO. 01-341

Resolution of findings of advisability and Resolution authorizing construction of Storm Water Sewer No. 553 (south of 45<sup>th</sup> Street North, west of Oliver) 468-83291, in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Knight moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gale, Lambke, Martz, Pisciotte, Knight.

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## RESOLUTION NO. 01-342

Resolution of findings of advisability and Resolution authorizing improving of Eagles Landing Court (Lots 1 through 4, Block D) from the north line of Eagles Landing, north to and including the cul-de-sac, and on Eagles Landing Court (Lots 7 through 15, Block C) from the south line of Eagles Landing, south to and including the cul-de-sac (south of 45<sup>th</sup> Street North, west of Oliver) 472-83404, in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Knight moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gale, Lambke, Martz, Pisciotte, Knight.

## ORDINANCE

An Ordinance changing the zoning classifications or districts of certain lands located in the City of Wichita, Kansas, under the authority granted by Section 28.04.210, the Code of the City of Wichita, Kansas, introduced and under the rules laid over. (ZON 2001-29)

(Item 24)

**ZON2001-00013**

**ZON2001-00013 – ZONE CHANGE FROM SINGLE-FAMILY RESIDENTIAL TO NEIGHBORHOOD OFFICE, LOCATED NORTH OF WEST CENTRAL, ¼ MILE EAST OF 135TH STREET WEST.** (District V)

Dale Miller

Planning Department reviewed the Item.

Agenda Report No. 01-0938.

MAPC Recommendation: Deny (8-3).

Staff Recommendation: Deny.

DAB Recommendation: Have Public Works evaluate the curve to make it safe (9-0).

The City Council originally heard this application as a request for “GO” General Office and a Conditional Use for “animal care, limited” on May 1, 2001. The Council referred that application back to the DAB and MAPC for re-hearing. The applicant then amended his request to “NO” Neighborhood Office only.

The application area is a 1.5 acre platted lot located on the north side of west Central, ¼ mile east of 135th Street West. The site is currently developed with a single-family residence with one point of access to Central Avenue. The application area is located next to an “S” curve in Central Avenue. There have been instances where vehicles have failed to negotiate the curve and have ended up on the applicant’s property. The applicant states that due to these accidents, he cannot sell the property as currently zoned.

Land surrounding the application area is used either for single-family residential or is in agricultural use. All surrounding property is zoned “SF-6” Single-family Residential or “SF-20” Single-family Residential. There is a pond located west of the house that appears to be part of the Dry Creek drainage system. The closest of these residences is approximately 300 to 400 feet from the home on the application area.

DAB V heard the amended request on July 9, 2001. In general, most speakers expressed empathy for the applicant’s situation but were not prepared to support a rezoning in this mid-mile location and in the middle of the neighborhood. A motion to deny failed (3-5-1). A motion to approve failed (4-4-1). A third motion to ask the Public Works department to make the road safe was approved (9-0).

The MAPC heard the request on July 19, 2001. No one spoke in opposition. The MAPC recommendation was based on concerns over location in relation to neighboring residences and mid-mile location. Three of the commissioners felt the request was a reasonable solution to the applicant’s situation.

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Council Member Martz Council Member Martz explained that the City is currently in the process of placing new signs and a guard rail at the problem location; however, he could not support the request.

Motion -- Martz moved that Council concur with the findings of the MAPC and deny the request. Motion  
-- carried carried 7 to 0.

(Item No. 25)

**ZON2001-00038**

**ZON2001-00038 – ZONE CHANGE FROM GENERAL OFFICE TO LIMITED COMMERCIAL WITH PROTECTIVE OVERLAY TO LIMIT USES TO THOSE PERMITTED BY THE GENERAL OFFICE DISTRICT PLUS HOTEL OR MOTEL, LOCATED ON THE SOUTHEAST CORNER OF EDMONT AND RUTAN.** (District I)

Dale Miller

Planning Department reviewed the Item.

Agenda Report No. 01-0939.

MAPC Recommendation: Approve, subject to staff recommendation (8-1).

DAB Recommendation: Deny (7-2).

Staff Recommendation: Approve, subject to the provisions of a (P-O) Protective Overlay.

The applicant is requesting a zone change from “GO” General Office to “LC” Limited Commercial on a platted 0.76 acre tract located at the southeast corner of Edgemont and Rutan. The applicant also is requesting a Protective Overlay to limit uses on the subject property to those permitted by the “GO” General Office district plus hotel or motel.

The applicant indicates that Wesley Medical Center that is located west of the subject property will be expanded and that the expansion will occur on the site of the existing Wesley Motor Hotel, which is located at the northwest corner of Central and Rutan. Therefore, the applicant is seeking to relocate the Wesley Motor Hotel to the subject property.

The Unified Zoning Code limits a hotel or motel on properties in the “GO” General Office district to sites along a street that is classified as an arterial street or higher classification. Since the subject property is not along an arterial street, the applicant is requesting “LC” Limited Commercial zoning, which permits a hotel or motel by right.

The site plan shows an 89 room hotel located in the northwest corner of the subject property. As shown, the hotel could not be constructed simply with the granting of “LC” Limited Commercial zoning. Much of the parking shown for the hotel is located off-site or in the street right-of-way for Edgemont. An off-site parking agreement will be needed for parking to be located in Sleepy Hollow Park. Since Sleepy Hollow Park is zoned “TF-3” Two-Family Residential, a Conditional Use will be required to permit an ancillary parking area. The applicant has submitted a request to vacate the street right-of-way for Edgemont, which would make the parking shown along the south side of Edgemont on-site. A Zoning Adjustment will be required to reduce the hotel’s total parking requirement. Under recently adopted provisions of the Unified Zoning Code, parking requirements can be reduced by up to 25% with administrative approval for all redevelopment of existing sites with new construction.

As shown, the hotel building encroaches into 20 foot platted building setbacks along the north and west property lines. These building setbacks will need to be vacated. Alternatively, the City Law Department indicates that when the vacation of the street rights-of-way is considered a finding can be made that determines that the vacation of the street rights-of-way moves the setback lines accordingly with the property line.

The site plan shows a private drive covered with a canopy that is partially located within the street right-of-way for Rutan. The applicant has submitted a request to vacate the street right-of-way for Rutan, which would then allow the private drive and canopy in the locations shown.

The character of the surrounding area is dominated by the Wesley Medical Center. The property north of the site is zoned “TF-3” Two-Family Residential and is Sleepy Hollow Park. The property east of the site is zoned “GO” General Office and is a parking lot for an office building. Further to the east

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across Vassar on property zoned "TF-3" Two-Family Residential are single-family residences. The properties south of the site are zoned "B" Multi-Family and "GO" General Office and are developed with apartments, a medical research office, and a Ronald McDonald House. The properties east of the site are zoned "GO" General Office and "LC" Limited Commercial and are developed with the Wesley Medical Center and the existing Wesley Motor Hotel.

At the MAPC hearing on July 19, 2001, the applicant presented a revised site plan that shows parking to be located within the right-of-way for Edgemont rather than encroaching into Sleepy Hollow Park property as shown on the initial site plan. Several residents spoke against the request citing concerns with the request's impact on the park, traffic, and quality of life in the neighborhood. The residents also suggested that they preferred for the hotel to be located across Central to the south. The MAPC voted (8-1) to approve the zone change from "GO" General Office to "LC" Limited Commercial subject to a Protective Overlay to limit uses to those permitted by the "GO" General Office district plus hotel or motel.

Russ Ewy Russ Ewy, representing the applicant, said there has not been a final determination on whether the hotel will be placed south of Central. The Hospital wants to work with the City and the hotel to perhaps locate the hotel south of Central. The Hospital is unsure of the hotel plans.

The Hospital's position is that it would rather have a final vote on the zoning and vacation case after the TIF issue has been resolved.

Chris Cherches City Manager cited a letter (dated August 8<sup>th</sup>) signed by the Hospital's Chief Operating Officer, that indicated the Hospital would like to have the items acted upon with the proviso that a building permit not be filed for the Hotel at Rutan and Edgemoor site unless it is decided that the tax increment district is not feasible or establishing TIF District takes more than six months. "I think it's pretty clear in this letter."

Council Member Fearey Council Member Fearey said she would support the Item and would have to have faith that Wesley will be held to the line.

Motion -- Brewer moved that having reviewed the record of hearing before the MAPC and in accordance with Policy No. 10 of the MAPC previously adopted by this Board, and having reviewed the factors contained therein and the factors stated by the MAPC, the recommendation of the MAPC be approved, subject to the recommended provisions of a Protective Overlay District; and the Ordinance be placed on first reading. Motion carried 7 to 0.

-- carried

## ORDINANCE

An Ordinance changing the zoning classifications or districts of certain lands located in the City of Wichita, Kansas, under the authority granted by the Wichita-Sedgwick County Unified Zoning Code, Section V-C, as adopted by City of Wichita Code Section 28.04.210, as amended. ZON2001-00038

(Item No. 26)  
ZON2001-00039

**ZON2001-00039 – ZONE CHANGE FROM SINGLE-FAMILY RESIDENTIAL TO NEIGHBORHOOD OFFICE, LOCATED WEST OF RIDGE ROAD AND SOUTH OF BITTERSWEET LANE – 1935 NORTH RIDGE ROAD.** (District V)

Dale Miller Planning Department reviewed the Item.

Agenda Report No. 01-0940.

MAPC Recommendation: Approve, subject to the conditions of a two-foot utility easement dedication and a (P-O) Protective Overlay (8-2).

Staff Recommendation: Deny.

DAB Recommendation: Dab V will hear case on August 6, 2001.

The applicant is requesting "NO" Neighborhood Office on an .80 acre platted lot located along the west side of Ridge Road, and south of Bittersweet Lane. The property is currently zoned "SF-5" single-



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family residential and developed with a single-family residence. The owner currently rents the property. The owner intends to use the existing residential structure for an office use. The property has one drive entrance onto Ridge Road and one onto Bittersweet Lane. Bittersweet Lane is a two lane residential road without curbs, sidewalks, or paved shoulders. Bittersweet Lane is served by a storm drainage system of small swale ditches with culverts at several locations.

The application area is located in a string of seven similarly sized residential lots facing Ridge Road. "LC" Limited Commercial zoning exists approximately 925 feet to the north, at the intersection of Ridge and 21st Street N. "TF-3" Two-family zoning exists approximately 525 feet to the south on Ridge Road. The county owned property across Ridge to the east is zoned "SF-20" but developed with a county park; a pedestrian/bicycle path sits directly east of the application area.

Single-family residential uses border this site to the north, south and west, and open space/park uses are to the east. Introduction of the neighborhood office district at this location would increase traffic in the neighborhood and permit a wider range of uses that are not in character with adjacent zoning districts and uses. A change in zoning would likely have a detrimental effect on adjacent residential properties, and a change in zoning would trigger requests for more zoning changes along this stretch of Ridge Road. No similar zoning changes have been approved on this section of Ridge Road. In 1990 this property requested a zone change from "R-1" Suburban Residential to "BB" Office District; the MAPC recommended denial and the County Board of Commissioners denied the request.

At the MAPC hearing on July 19, 2001 the applicant's agent spoke against the planning staff recommendation, and requested approval for the zone change from SF-5 to NO. Two neighbors from the notification area spoke in support of staff's recommendation and requested that MAPC deny the zone change request. The neighbors cited concern of increased traffic, change in neighborhood character, and decline of residential property values should the requested "spot zoning" take place. The neighbors noted that each of the protest area residential neighbors had filed a protest petition. The MAPC motioned to deny the zone request, but this move failed by a 2-8 vote. The MAPC then motioned to approve the request, subject to a two-foot utility easement dedication and the following Protective Overlay:

1. The property shall be developed and/or redeveloped with a building that has a residential character, and that includes brick, masonry, wood or composite siding; a double-pitched roof with a minimum vertical rise of 4 inches for every twelve inches; and a maximum height of 25 feet.
2. Freestanding signs shall be monument-type with a maximum height of 8 feet.
3. The property shall be restricted to one point of access onto Ridge Road, and no access to Bittersweet Lane. If in the future, the abutting lot to the south also converts to a non-residential use, the property owner may be required to pay all costs to modify or close the driveway, to pay one-half the cost of reconstructing the driveway, and to modify the off-street parking area, as required by the Traffic Engineer, in order to allow joint access and cross lot circulation.
4. Lighting shall conform to lighting standards in Sec. IV-B.4 of the Unified Zoning Code and be limited to no more than 14 feet in height.
5. Landscaping shall be provided that is equivalent to a landscaped street yard, parking lot landscaping and screening along Ridge Road, and a buffer along the property lines adjoining a residential district, as required in the City of Wichita Landscape Ordinance. A Landscape Plan shall be submitted to the Director of Planning for approval prior to the issuance of a building permit.

The approval motion carried with an 8-2 vote.

Ten protest petitions have been received by the Planning Department, totaling 8.4 percent of the protest area. The only property within the statutory protest area not to file a protest petition is Sedgwick County, owner of the park across Ridge Road from the application area. Because the statutory notice area extends 1000 feet into unincorporated areas, and the County park is outside the city limits, it accounts for 91.6 percent of the protest area.

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Motion --

Martz moved that having reviewed the record of hearing before the MAPC and in accordance with Policy No. 10 of the MAPC previously adopted by this Board, and having reviewed the factors contained therein and the factors stated by the MAPC, the recommendation of the MAPC be denied based on the following findings:

1. The zoning, uses, and character of the neighborhood: All property adjoining or adjacent to the application area is zoned "SF-5," each of these properties is used as single-family residences or as open space parkland. The application area is part of a larger area that is entirely residential in character.
2. The suitability of the subject property for the uses to which it has been restricted: The property could continue to be used for a single-family residence. Other nearby properties in a similar situation continue to be used for residential purposes. also, the .80-acre lot could potentially be subdivided into more lots through lot splits or a replat.
3. Extent to which removal of the restrictions will detrimentally affect nearby property: No similar zoning changes have been approved on this section of Ridge Road. A change to office zoning would impact the surrounding residences with increased traffic and a change in neighborhood character. The effect of approving this request for "NO" would be to encourage adjacent residences to seek a similar approval, further increasing traffic and changing the character of the neighborhood.
4. Conformance of the requested change to the adopted or recognized Comprehensive Plan and policies: The requested change in zoning classification is not in conformance with the Comprehensive Plan "Wichita Land Use Guide." The overarching purpose of the plan's various policies is to promote orderly growth and development by preserving property values, protection from intrusive uses, and enhancement of the quality of life for area residents. This request is not consistent with those goals.
5. Impact of the proposed development on community facilities: While Ridge Road is a five-lane arterial road, Bittersweet Lane is a small residential two-lane road with small swale storm drainage on both sides, the applicant's property currently has a driveway entrance from Bittersweet Lane. Bittersweet Lane, and its storm drainage system, is not designed for an increase in vehicular traffic, or for any on-street parking. Office zoning would increase traffic to the site when compared to single-family residential use.

-- carried

Motion carried 7 to 0.

(Addendum No.26A)

**VAC2001-00024**

**VAC2001-00024- VACATE RUTAN AVENUE RIGHT-OF-WAY AND EDMONT AVENUE RIGHT-OF-WAY LOCATED NORTHEAST OF CENTRAL AVENUE - NORTH HILLSIDE INTERSECTION.** (District I)

Dale Miller

Planning Department reviewed the Item.

Agenda Report No. 01-0943.

Staff Recommendation: Approve vacation of Rutan Avenue right-of-way & Edgemont Avenue right-of-way.

MAPC Recommendation: Approve vacation of Rutan Avenue right-of-way & Edgemont Avenue right-of-way. (unanimous)

The applicant is requesting consideration for approval of the vacation of portions of Rutan Avenue right-of-way and Edgemont Avenue right-of-way. The portion of Rutan Avenue to be considered for vacation is that portion from the Edgemont-Rutan Avenue intersection to Central Avenue. The portion of Edgemont Avenue to be considered for vacation is from the Rutan-Edgemont Avenue intersection to within 70 feet (short) of Vassar Avenue. Both vacated streets will be left open and used as private drives. The applicant proposes expansion of the current Wesley Hospital complex, including the building of a new motel, which the vacation of Rutan and Edgemont would facilitate. The applicant has agreed to retain Rutan and Edgemont as utility easements and to post both Edgemont and Rutan as private drives.

Opposition was expressed by residents living East of Vassar who were concerned that the vacation of Edgemont would negatively impact the playground located north of Edgemont and east of Rutan. The MAPC voted to approve the vacation, adopting the findings of fact that are incorporated in the Vacation Order. No written protests have been filed.

A certified copy of the Vacation Order will be recorded with the Register of Deeds.

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Motion --  
-- carried

Brewer moved that the Vacation Order be approved and the necessary signatures be authorized. Motion carried 7 to 0.

(Item No. 27)  
**ZON2001-00041**

**ZON2001-00041 – ZONE CHANGE FROM SINGLE-FAMILY RESIDENTIAL TO NEIGHBORHOOD OFFICE, LOCATED 110 FEET (ONE LOT) SOUTH OF DOUGLAS ON THE WEST SIDE OF RIDGE ROAD – 109 SOUTH RIDGE ROAD.** (District V)

Dale Miller

Planning Department reviewed the Item.

Agenda Report No. 01-0941.

MAPC Recommendation: Approve, subject to the provisions of a two-foot utility easement dedication and a (P-O) Protective Overlay (11-0).

Staff Recommendation: Approve, subject to the provisions of a two-foot utility easement dedication and a (P-O) Protective Overlay.

DAB Recommendation: DAB V will hear case on August 6, 2001.

The applicant is requesting “NO” Neighborhood Office on a .44 acre platted lot along the west side of Ridge Road, located one lot south of Douglas, between Douglas and Maple. The property is currently zoned “SF-5” and developed with a single-family residence. The owners intend to redevelop the property as an office, and move to a different home.

The application area is located toward the north end of a string of eight similarly sized lots, each with typical single-family residential structures. The property three lots to the south was re-zoned from “SF-5” to “NO” in 2000, two single family houses are between this “NO” property and the application area. The “NO” property three lots to the south has a protective overlay requiring residential character construction and limits on building height, signage, points of access, and lighting. Also, the property abutting the application area to the north serves as an insurance office; this lot was rezoned to “BB” office district in 1983.

The property across Ridge to the east is zoned “SF-5” but is developed with the Maple Ridge Apartments, a 168 unit garden apartment complex. It is part of DP-42 Willow-Esque Residential C.U.P.

The proposed conversion of the property to office use would entail providing off-street parking and screening in accordance with the zoning code. Compatibility setbacks would not be required if the conversion does not involve new construction. Similarly, the Landscape Ordinance would not be triggered unless the increased value after conversion to the residential use was more than 50 percent of the original improvements.

At the MAPC hearing on July 19, 2001 the applicant spoke in support of the planning staff recommendation requesting approval for the zone change from SF-5 to NO. The MAPC motioned to approve the zone change request, subject to a two-foot utility easement dedication and the following Protective Overlay:

1. The property shall be developed and/or redeveloped with a building that has a residential character, and that includes brick, masonry, wood or composite siding; a double-pitched roof with a minimum vertical rise of 4 inches for every twelve inches; and a maximum height of 25 feet.
2. Freestanding signs shall be monument-type with a maximum height of 8 feet.
3. The property shall be restricted to one point of access onto Ridge Road. If in the future, the abutting lot to the south also converts to a non-residential use, the property owner may be required to pay all costs to modify or close the driveway, to pay one-half the cost of reconstructing the driveway, and to modify the off-street parking area, as required by the Traffic Engineer, in order to allow joint access and cross lot circulation.

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4. Lighting shall conform to lighting standards in Sec. IV-B.4 of the Unified Zoning Code and be limited to no more than 14 feet in height.

5. Landscaping shall be provided that is equivalent to a landscaped street yard, parking lot landscaping and screening along Ridge Road, and a buffer along the property lines adjoining a residential district, as required in the City of Wichita Landscape Ordinance. A Landscape Plan shall be submitted to the Director of Planning for approval prior to the issuance of a building permit.

The approval motion carried with a 10-0 vote.

Motion --

Martz moved that having reviewed the record of hearing before the MAPC and in accordance with Policy No. 10 of the MAPC previously adopted by this Board, and having reviewed the factors contained therein and the factors stated by the MAPC, the recommendation of the MAPC be approved, subject to the provisions of a Protective Overlay District, and the Ordinance be placed on first reading with publication being withheld until the dedication instrument is submitted and accepted by the City Engineer and Law Department. Motion carried 7 to 0.

-- carried

## ORDINANCE

An Ordinance changing the zoning classifications or districts of certain lands located in the City of Wichita, Kansas, under the authority granted by the Wichita-Sedgwick County Unified Zoning Code, Section V-C, as adopted by City of Wichita Code Section 28.04.210, as amended. ZON2001-00041

## AIRPORT AGENDA

### AIRPORT

#### AIRFIELD PAVEMENT – GENERAL AVIATION APRON EXPANSION, TAXILANE “AAA.”

Agenda Report No. 01-0942.

On April 3, 2001, the City Council approved an agreement with Professional Engineering Consultants to provide a design study for Taxilane “AAA” (General Aviation Apron Expansion).

The design study is complete and a Supplemental Agreement has been prepared for the design and bidding phase services.

The cost of the design and bidding phase services is \$147,298. The design/bidding phase will be funded with an approved AIP grant. Matching funds will be paid with Passenger Facility Charges. The cost is within the approved budget.

The Law Department will review the Supplemental Agreement.

Motion --

Knight moved that the Agreement/Contract be approved and the necessary signatures be authorized. Motion carried 7 to 0.

-- carried

### ADJOURNMENT

The City Council meeting adjourned at 10:42 a.m.

Pat Burnett CMC  
City Clerk